

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

tmd3574/kp

Presentment Date: September 8, 2015

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IN RE:

Chapter 13

CELENA RATCLIFF  
*aka* Celena R. Jordan,

Case No: 111-43043-ESS

Debtors.  
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**AFFIRMATION IN OPPOSITION TO THE DEBTOR'S MOTION  
TO APPROVE MODIFICATION OF A CONFIRMED PLAN**

KRISTA M. PREUSS, ESQ., the undersigned, attorney for Marianne DeRosa Chapter 13 Trustee, affirms the following under the penalty of perjury:

1. I am attorney for the Chapter 13 Trustee of the Debtors' Chapter 13 case and as such am fully familiar with the facts and circumstances set forth herein.
2. This Affirmation is submitted in opposition to the Debtor's Motion to Approve Modification of a Confirmed Plan (hereinafter the "Motion"), which was filed on August 6, 2015 by Peter Corey, Esq., on behalf of the Debtor, and is returnable on September 8, 2015.
3. The Debtor filed the Chapter 13 petition on April 12, 2011.
4. The Chapter 13 Plan was confirmed by an order entered on January 17, 2012. The Second Amended Plan, dated December 27, 2011 and docketed as number 27, (hereinafter the "Plan") provides for monthly payments of \$180.00 for a period of seven months and \$290.00 for a period of 53 months for a total period of sixty months. The Plan also provides for full repayment to all secured and priority claim, and a pro rata distribution of not less than \$3,600.00 to general unsecured claims.
5. The Motion seeks to pay off the Chapter 13 Plan early and states that a third party, Lisa Harris will be providing the necessary funds to complete the Plan.
6. The Trustee objects to the Motion as the Debtor has not provided any evidence

that this person has the ability to pay off the plan.

7. Additionally, the Motion does not address when this payment will be made.

8. Furthermore, the Motion does not contain an accompanying affidavit from the Debtor or Ms. Harris.

WHEREFORE, based upon the foregoing and in the interests of justice and fairness to all parties, it is respectfully requested that the Motion denied and for such other and further relief as may seem just and proper.

Dated: Syosset, New York  
September 4, 2015

s/ Krista M. Preuss  
Krista M. Preuss, Staff Attorney  
Marianne DeRosa, Chapter 13 Trustee  
115 Eileen Way, Ste 105  
Syosset, NY 11791  
(516) 622-1340

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13 Case No: 111-43043-ESS

CELENA RATCLIFF  
*aka* Celena R. Jordan,

CERTIFICATE OF SERVICE  
BY MAIL

Debtor.

-----X

This is to certify that I, Krista M. Preuss, have this day served a true, accurate and correct copy of the within Affirmation in Opposition by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

CELENA RATCLIFF  
141-10 180<sup>th</sup> St.  
Springfield Gardens, NY 11434

PETER COREY, ESQ  
135 Pinelawn Road, Ste 120 South  
Melville, NY 11747

GE MONEY BANK  
Recovery Management Systems Corp  
25 S.E. 2<sup>nd</sup> Avenue, Ste 1120  
Miami, FL 33131

This September 4, 2015

/s/Krista M. Preuss  
Krista M. Preuss, Staff Attorney  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
115 Eileen Way, Ste 105  
Syosset, NY 11791  
(516) 622-1340

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Debtors.

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AFFIRMATION IN OPPOSITION TO  
DEBTOR'S MOTION  
AND  
CERTIFICATE OF SERVICE

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MARIANNE DeROSA, TRUSTEE  
115 EILEEN WAY, STE 105  
SYOSSET, NY 11791  
(516) 622-1340

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revised  
03/09/06